

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6076 OF 2025

Atishkumar Anjir Jadhav .. Petitioner
Versus
State of Maharashtra & ors .. Respondents

...

Mr.Vijaykumar Dhakane for the petitioner.
Mr.S.R. Agarkar, APP for the respondent State.
API Ankush Borate from Loni Kalbhor police station, present.

CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ
DATED : 24th NOVEMBER, 2025

P.C:-

1 The petition is filed under the guise of issuance of writ of habeas corpus, seeking production of the minor child, aged three years before the Court.

Prayer clause (b) in the position seek direction that the child be allowed to permanently remain in the custody of the petitioner.

2 From reading of the petition, it evidently appear that there is a matrimonial discord between the petitioner and his wife i.e. respondent no.4 and for this purpose, appropriate proceedings are instituted before the Family Court, which include restitution, and the petitioner husband is informed to have filed proceedings for dissolution of the marriage solemnised between them on 21/5/2021. This very petition

also include a prayer for grant of permanent custody of minor child to the petitioner along with interim access and visitation rights to maintain a healthy relationship.

3 Since the petitioner is aware that the child is with the mother and has already filed proceedings before the Family Court, seeking permanent as well as interim custody of the child, we decline to exercise a writ jurisdiction as the battle of custody is to be fought before the Family Court and it is being so fought.

For the aforesaid reason, Writ Petition is dismissed.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)